

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

PETER LEBLANC

v.

CA 05-294ML

A.T.WALL, Director of the
Rhode Island Department of Corrections

MEMORANDUM AND ORDER

On November 10, 2005, this Court dismissed plaintiff's petition for writ of habeas corpus for lack of jurisdiction. Plaintiff had failed to file a timely objection to the Report and Recommendation issued by Magistrate Judge Hagopian on October 19, 2005. On December 8, 2005, plaintiff filed a "Notice" wherein he avers that he did not receive the Report and Recommendation "until recently." He also filed an "Answer to Report and Recommendation." That "Answer", however, does not address the jurisdictional issue that bars action by this court.

Accordingly, treating petitioner's "Notice" and "Answer" as an objection to the Report and Recommendation, petitioner's objection is denied. This Court does not have jurisdiction to entertain his successive petition made pursuant to 28 U.S.C. § 2254. Therefore, the petition is DISMISSED.

SO ORDERED:

Mary M. Lisi
Mary M. Lisi
United States District Judge
December 13, 2005